



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fred C. Hoyle IV	Examiner:	Mark Spisich
Serial No.	10/057,805	Group Art Unit:	1744
Filed:	1/23/2002		
For:	ALL-IN-ONE FITTING BRUSH	Docket No.	43741-00001

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, V.A. 22313-1450

I CERTIFY THAT ON MAY 13, 2004, THIS PAPER IS BEING
DEPOSITED WITH THE U.S. POSTAL SERVICE AS EXPRESS MAIL
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ALEXANDRIA, V.A. 22313.

Cammie R. Lopez
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Petition to Revive Under 37 C.F.R. § 1.137(b)

Dear Commissioner:

Pursuant to the provisions of 37 C.F.R. § 1.137(b), the Applicant hereby petitions to
revive the unintentionally abandoned application referenced above. The Applicant hereby
provides:

- (1) the reply required to the outstanding Notice of Allowance and Fee(s) Due by payment
of issue fee enclosed herewith;
- (2) the petition fee as set forth in § 1.17(m), enclosed herewith; and
- (3) the required statement as provided below. As the above-referenced application is
neither a design patent application nor was filed before June 8, 1995, no terminal
disclaimer is necessary.

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STATEMENT UNDER 37 C.F.R. § 1.137(b)

The record reflects that on 11/20/2003, a Notice of Allowance and Fee(s) Due regarding the abovementioned application was mailed to Joseph N. Breaux, the Applicant's former attorney of record. The Notice of Allowance specified a due date of 2/20/04 for payment of issue fees. Mr. Breaux never informed the client concerning the receipt of the notice of allowance.

Early in 2004, the Applicant attempted unsuccessfully to contact Mr. Breaux on numerous occasions regarding the status of the patent application. Eventually, Mr. Breaux's telephone was disconnected, and no other means of contact were successful in establishing communications with Mr. Breaux.

The Applicant then obtained new counsel to represent him in the matter of the abovementioned application. The new counsel made an inquiry to the Louisiana State Bar Association, and it was found that Mr. Breaux had abruptly retired from the practice of law citing medical reasons. He did not inform his clients that he had withdrawn from the practice of law, and the Applicant was unaware of the urgency of the need to respond to the Notice.

Eventually, the Applicant's new counsel was able to track down the address of the custodian of Mr. Breaux's records. In anticipation of the need to respond to the Notice, copies of the records were requested from the file custodian, and copies of the file wrapper for the utility application and the provisional application to which it claimed priority were obtained from the USPTO. The files were reviewed and this Petition prepared seasonably.

Since the time limit has expired to pay the issue fee, the Applicant hereby requests a revival of the abovementioned application, and in light of the forgoing remarks, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition

pursuant to this paragraph was unintentional. As the applicant has satisfied the requirements of 37 C.F.R. § 1.137(b), the Applicant requests the immediate acceptance of the issue fee enclosed herewith, and a prompt issuance of the allowed patent application.

If the Commissioner or Examiner requires any further clarification, it is requested that the current attorney of record be contacted at the number below at the earliest possible convenience. If for any reason the fees accompanying this petition are insufficient, it is requested that necessary funds be obtained through deposit account number 502509.

Respectfully submitted

By 

Date: May 13, 2004

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